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SUBJECT: VIETNAM'S GRASSROOTS DEMOCRACY DECREES

Reftel: 04 Hanoi 1454

1. (U) Summary: Vietnam's grassroots democracy decrees represent a fundamental change in governance at the local level. The decrees, first issued in 1998 and revised in 2003, require local governments to act in a more open manner; posting budgets, taking comments on land use and economic development plans, holding votes on mandatory contribution to local infrastructure development projects, and elections for village chiefs, among other requirements. Implementation of these changes has been mixed. Many local officials are not well trained about the decrees and lack the manpower to implement them. Typically they are implemented better in urban areas, where better-educated citizens push for their rights, than they are in rural ones. Where well-implemented, the decrees have resulted in a more transparent system of local government. Vietnam's top down control of budgets and infrastructure projects make many of the initiatives ostensibly permitted by the decrees impossible to achieve in reality. Nonetheless, grassroots democracy is a trend that cannot be rolled back and promises to continue to expand transparency and accountability at the local level. End Summary.

The First Grassroots Democracy Decree

2. (U) The first grassroots democracy decree was issued in May 1998, prompted largely by extended and violent protests by small farmers against government officials in Thai Binh Province the previous year. The Thai Binh unrest was provoked by a number of grievances, including corruption among local officials, land disputes, high taxation rates, non-market based rice prices and compulsory labor contributions to national infrastructure projects. Drafted in accordance with the Party's guideline that "the people know, the people discuss, the people do, and the people monitor," the decree enacted, at least on paper, fundamental changes to the manner in which local governments operated. Among these were requirements that authorities must publicly post new State laws and local government budgets, consult with citizens on land use and economic development plans, and that citizens themselves would decide the levels of contribution (often in terms of donated labor) for public works.

3. (SBU) Grassroots democracy has recently gained a great deal of political support, at least at the national level. In the 2001 Ninth Party Congress, delegates widely praised the decree as a fundamental step in encouraging economic development at the local level. However, the 1998 decree was reportedly drafted quickly and many of its provisions were open ended, limiting its impact. To Kim Lien, a program manager at the Asia Foundation's Hanoi office, suggested that this lack of specificity allowed some "motivated" localities to make rapid changes. More common was the reaction of officials who were reluctant to consult with citizens on what they considered to be issues too complex for them to understand, Lien noted.

The Current Grassroots Democracy Decree

4. (U) The 1998 decree was replaced in July 2003 by the second grassroots democracy decree (officially Decree No. 79 on Promulgating the Regulation on the Exercise of Democracy in Communes). As with its predecessor, the second grassroots democracy decree is divided into a series of categories based on the obligation of local authorities and role of the people.

"Works to be informed to the people," include commune development plans, land use plans, commune budgets, poverty alleviation plans and results of corruption investigations. This is to be done through public posting of written documents, explanations through village loudspeaker systems, and meetings between commune-level People's Council delegates and their constituents, among other means.

"Works to be discussed and directly decided by the people" include infrastructure and public welfare projects, including schools, roads, and health facilities,

establishing boards to oversee the construction of public works, and the protection of security, order, and environmental sanitation. Discussions and voting on these activities are to be coordinated by the Fatherland Front.

"Works to be discussed by the people and decided by the commune administration" include draft resolutions of commune People's Councils, commune-level socioeconomic development plans, zoning issues, compensation for appropriated land, and employment programs. These discussions are to be organized by the Fatherland Front.

Finally, "works to be supervised and inspected by the people" include the implementation of commune People's Council resolutions, settlement of complaints and cases of corruption. This is to be enacted by direct invitations to the people to review issues or cases, or through individuals submitting questions or receiving reports through their "representative organization" (such as their trade union, the Women's Union, or the Fatherland Front).

The Decree also requires that once every six months, village meetings must be held to discuss population issues, poverty alleviation, public and social order, and the implementation of people's council resolutions. Villages also name a village chief by direct election. The chief coordinates meetings and activities at the village level in conjunction with the Fatherland Front, and reports on citizens' concerns to the commune level people's committee.

15. (SBU) Ngo Thi Tam, Deputy Director of the Department of Local Authorities at the Ministry of Home Affairs (MHA), described the first grassroots democracy decree as "not complete," and said the new decree more thoroughly outlined the responsibilities of local officials to implement grassroots democracy, and the ways in which local citizens should become involved in its implementation. The second decree specified in more detail the types of projects that citizens are to be informed of, stated that citizens' decisions are to be made by majority vote, described more fully the manner in which people are to supervise projects, and made commune level people's committee chairmen specifically accountable for the implementation of the decree.

Implementation Varies...

16. (SBU) Spreading understanding of the grassroots democracy decree remains a major challenge. Implementation falls under the purview of the Ministry of Home Affairs, which conducts training programs for district and commune officials on the decree. Citing a 2004 study, the GVN claimed in press reports that the grassroots decree was being implemented in 100 percent of the nation's communes. Mrs. Tam acknowledged that implementation varied from place to place and cautioned that development of citizen participation at the lowest levels is "a long term process," but "the Government is fully committed to it."

17. (SBU) Ms. Lien of the Asia Foundation questioned the effectiveness of the GVN's training efforts. She said that the claim of "100 percent implementation" simply meant an official from each commune had participated in some level of training about the decree. The Asia Foundation had initially cooperated in such training, but found that the MHA tended to provide long, complex lectures for groups of 70 or so officials whom it then expected them to become trainers for other officials.

18. (SBU) According to one 2004 Party analysis, grassroots democracy was being implemented "effectively" in only 38 percent of communes. Ministry of Home Affairs oversight of the effectiveness of implementation of the decree rests largely on measuring quantitative factors. All officials are required to keep files on their efforts to spread understanding of the decree, and the MHA judges how active they have been by reading accounts of training programs or looking at the quantity of information sheets prepared and distributed to the participants, Mrs. Tam explained. Tam acknowledged that some local authorities did not welcome the additional oversight of their activities, but characterized this as "not a major problem." "People are aware of the grassroots Democracy Decrees, and if they don't believe that they are being implemented, they can file complaints with higher level officials," she explained. Mrs. Lien said that the Asia Foundation had generally found that these days, local officials were not hostile to the further oversight the decree provided, but rather did not understand it and even after training were at a loss as to how to implement it effectively.

19. (SBU) Pamela McElwee, a United Nations Development Program contractor, said that her research had shown that grassroots democracy had been quite well implemented in urban areas where the population is better educated, but

things were little changed in rural ones. In Vietnam's cities, some citizens had taken the time to read and interpret the decrees, and push local authorities to implement them appropriately. In less well-educated rural areas, however, "little has changed." McElwee also noted that the decree gave officials and mass organizations many new duties, but did not provide incentives to allocate additional funds or personnel to carry this out. As a result, how well the decrees were implemented depended on the individual motivation of local officials.

... as does Impact

10. (SBU) McElwee described the situation in Ho Chi Minh City as a "best case scenario" for the results of the decree, but admitted that results there fall short of what the decree seemed to allow on paper. In Ho Chi Minh City, local authorities regularly hold meetings to explain plans or decisions, and new programs are set forth in a "clear and transparent manner," she said. The high population density of Ho Chi Minh City made such meetings easier to attend, and combined with the relatively well-educated population, this led to a sense of "bottom-up pressure." McElwee noted, however, that while budgets and infrastructure projects are theoretically to be reviewed and decided by the people, official funds are distributed through a highly centralized system in all of Vietnam. As a result, the ability of local officials or citizens to enact in new initiatives is very limited.

11. (SBU) Nonetheless, McElwee believed that the decree had "opened the door to a level of discussion that did not exist in the past." She saw one of the biggest impacts in the ability of international NGOs and donors to engage in projects with local officials to set up local initiatives and community organizations. (Note: The USG is currently funding a USD 31,000 Human Rights and Democracy Fund Project in conjunction with a Vietnamese NGO to develop and carry out a more effective and comprehensive training course for commune-level officials and mass organization members on the grassroots democracy decree. The NGO will also set up local legal advice organizations where citizens can find out more about their rights. These organizations will be advised on a volunteer basis by university students studying law. Reftel.)

12. (SBU) Looking to the future, Mrs. Tam of the MHA suggested that the next step for grassroots democracy will be to raise it to a law, a process that would involve it being openly debated in the National Assembly (decrees are issued directly by the Prime Minister). Mrs. Lien suggested the Government is currently considering the possibility of furthering grassroots democracy by allowing referenda on specific subjects. Ms. McElwee reported that officials she had met with mentioned moves to enact direct elections of commune-level People's Committee Chairmen, and perhaps removing the Fatherland Front's role in vetting candidates.

Comment

13. (SBU) The two grassroots democracy decrees represent a fundamental move towards a more open and transparent governing system at the level that affects the majority of citizens. The functional result of this change has progressed slowly, perhaps glacially in rural areas, but these are reforms that cannot be rolled back. We recognize that this is democracy in a Vietnamese sense: greater opportunities for public participation, but still within the context of a one-party system. Still, the Mission is pleased to be able to fund a project that serves to deepen the impact of grassroots democracy in Vietnam.

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